

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GUGGENHEIM CAPITAL, LLC, AND
GUGGENHEIM PARTNERS, LLC,

Plaintiffs,

v.

CATARINA PIETRA TOUMEI, A/K/A LADY
CATARINA PIETRA TOUMEI A/K/A
CATARINA FREDERICK; VLADIMIR
ZURAVEL A/K/A VLADIMIR
GUGGENHEIM A/K/A VLADIMIR Z.
GUGGENHEIM A/K/A VLADIMIR Z.
GUGGENHEIM BANK; DAVID BIRNBAUM
A/K/A DAVID B. GUGGENHEIM; ELI
PICHEL; THEODOR PARDO; DABIR
INTERNATIONAL, LTD., AND JOHN DOES
1-10,

Defendants.

Civil Action No. 10-CV-8830-PGG

Honorable Paul G. Gardephe

JURY TRIAL DEMANDED

**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR AN AWARD OF
STATUTORY DAMAGES, COSTS AND ATTORNEYS' FEES AGAINST
DEFENDANTS TOUMEI, ZURAVEL AND PICHEL**

Plaintiffs Guggenheim Capital LLC and Guggenheim Partners, LLC ("Plaintiffs") hereby move for an award of statutory damages and costs and attorneys' fees against Defendants Catarina Pietra Toumei, Vladimir Zuravel and Eli Pichel ("Defendants") pursuant to the Lanham Act, 15 U.S.C. § 1114.

Motion for Damages

This Court having found Defendants Catarina Pietra Toumei, Vladimir Zuravel and Eli Pichel ("Defendants") to be in default, and thus liable to Plaintiffs on their claims as alleged in Plaintiffs' Verified Complaint (Dkt. No. 1), Plaintiffs respectfully move this Court for the following statutory damages, costs and attorneys' fees:

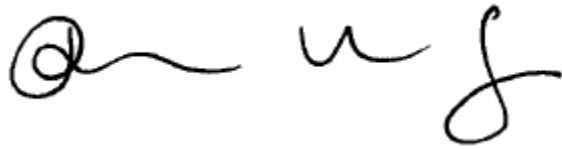
A. For Defendants' violations of the Lanham Act for trafficking in counterfeit marks (Claim II), maximum willful statutory damages of \$10 million, jointly and severally, pursuant to 15 U.S.C. § 1117(c);

B. For Defendants' violations of the Anti-cybersquatting Consumer Protection Act (Claim IV), maximum statutory damages in the amount of \$100,000 for the bad faith registration and use of the domain name **guggenheimadvisors.org**, against Defendant Catarina Pietra Toumei, pursuant to 15 U.S.C. § 1117(d); and

C. An award of Plaintiffs' costs and attorneys' fees incurred in this litigation, in an amount based upon a declaration to be submitted by Plaintiffs and any other supporting documentation that the Court requests.

Respectfully submitted,

February 22, 2011

A handwritten signature in black ink, appearing to read 'Rita Weeks', is written above a horizontal line.

Rita Weeks (admitted *pro hac vice*)
John J. Dabney (admitted *pro hac vice*)
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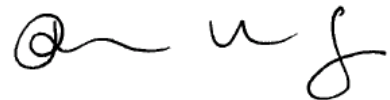
*Attorneys for Plaintiffs
Guggenheim Capital, LLC and
Guggenheim Partners, LLC*

*Attorneys for Plaintiffs
Guggenheim Capital, LLC and
Guggenheim Partners, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR AN AWARD OF STATUTORY DAMAGES, COSTS AND ATTORNEYS' FEES AGAINST DEFENDANTS TOUMEI, ZURAVEL AND PICHEL was served on February 22, 2011, via Federal Express courier and/or e-mail transmission on counsel for Defendants or Defendants as follows:

Defendant Catarina Pietra Toumei 6136 Paseo Delicias Rancho Santa Fe, CA 92067 (858) 504-1556 ladycatarinapietra@gmail.com cat@bestsellingwriter.net cpcount@aol.com	Defendant Theodor Pardo 3610 Yacht Club Drive, Apt. 212 Miami, FL 33180-3542 (786) 208-9646 pardopolis777@msn.com
Defendant Vladimir Zuravel 63-10 Dieterle Crescent New York, NY 11374 (347) 242-2304 vz@vzltd.com vladimirzuravel@mail.ru	Ben D. Manevitz (counsel for Defendants David Birnbaum and Dabir International, Ltd.) Manevitz Law Firm LLC 128 Boulevard, Suite 13 Passaic, NJ 07055-4769 (973) 594-6529 ben@manevitzlaw.com
Saskia van de Griek, Esq. (counsel for Defendant Eli Pichel) info@c-lawonline.com	



Rita Weeks, Attorney for Plaintiffs